

HOUSE BILL 2432  
By McDonald

AN ACT to amend Tennessee Code Annotated, Title 29,  
relative to the power and use of eminent domain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 17, is amended by adding  
the following new part 13:

§ 29-17-1301.

(a) The intent of the general assembly is to reaffirm the fundamental right, guaranteed by both the Constitution of the United States and the Constitution of Tennessee, of an individual to privately own property and to be free from condemnation and any unlawful, governmental taking of such property. Though the government may condemn and take such property for a "public use," the general assembly finds it necessary to narrow the definition of "public use" in such a manner as to strengthen the protection for the rights of the individual private property owner.

(b) Notwithstanding any other provision of law to the contrary, for purposes of Article I, § 21 of the Constitution of Tennessee, no governmental or other entity authorized to do so by the provisions of this chapter, chapter 16 or any other provision of law shall have the power to condemn and take an individual's private property through the exercise of the power of eminent domain as an authorized or permitted "public use" of such power if the property taken is sold, leased or otherwise transferred to a private developer, corporation, or other non-governmental entity solely or principally for the expansion of tax revenue, a

perceived increase in the taxable value of such property, or the promotion of economic development.

(c) As used in this section "individual" includes a natural person, corporation, partnership or other such entity but shall not include a governmental or quasi-governmental entity.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.